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7	Attorneys for Complainant	
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9	BEFORE THE BOARD OF REGISTERED NURSING DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA	
. 10		
-11	STATE OF C.	ALIFORNIA
12	In the Matter of the Accusation Against:	Case No. 2013-862
13	JOSEPH ALFONSO TAO,	
14	a.k.a. JOSEPH ALFONSO AMADO NARAZO TORRES	ACCUSATION
15	5510 Sepulveda Blvd, Unit 125 Sherman Oaks, CA 91411	
16	Registered Nurse License No. 600997	
17	Respondent.	
18		
19	Complainant alleges:	
20	<u>PARTIES</u>	
21	1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her	
22	official capacity as the Executive Officer of the Board of Registered Nursing, Department of	
23	Consumer Affairs (Board).	
24	2. On or about June 26, 2002, the Board issued Registered Nurse License No. 600997 to	
25	Joseph Alfonso Tao, aka Joseph Alfonso Amado Narazo Torres (Respondent). The Registered	
26	Nurse License was in full force and effect at all times relevant to the charges brought herein and	
27	will expire on April 30, 2014, unless renewed.	
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JURISDICTION

3. This Accusation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

STATUTORY PROVISIONS

- 4. Section 2764 provides that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811, subdivision (b), the Board may renew an expired license at any time within eight (8) years after the expiration.
- 5. Section 490 provides that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.
- 6. Section 2750 provides that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.
 - 7. Section 2761 states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

- "(a) Unprofessional conduct, which includes, but is not limited to, the following:
- "(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violating of, or conspiring to violate any provision or term of this chapter [the Nursing Practice Act] or regulations adopted pursuant to it.
- "(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof. . . ."

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REGULATORY PROVISION

8. California Code of Regulations, title 16, section 1444 states, in pertinent part:

"A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare."

COST RECOVERY

9. Section 125.3 provides that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case, with failure of the licentiate to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

FIRST CAUSE FOR DISCIPLINE

(Conviction of a Substantially Related Crime)

- 10. Respondent is subject to disciplinary action under sections 490 and 2761, subdivision (f), in that Respondent was convicted of a crime substantially related to the qualifications, functions or duties of a registered nurse which to a substantial degree evidences his present or potential unfitness to practice in a manner consistent with the public health, safety, or welfare, as follows:
- a. On or about May 10, 2012, after pleading nolo contendere, Respondent was convicted of one greater interlineated misdemeanor violation of Penal Code section 647(a) [lewd conduct] in the criminal proceeding entitled *The People of the State of California v. Joseph Tao* (Super. Ct. Los Angeles County, 2011, No. 1PY06457). The Court placed Respondent on 12 months probation, ordered him to complete AIDS education, and ordered him to stay away from Woodley Park.
- b. The circumstances underlying the conviction are that on or about November 5, 2011, Respondent, armed with condoms and lubricant, strolled Woodley Park in Van Nuys, California,

solicited a Los Angeles Police vice officer working undercover, and negotiated for sex by publicly masturbating. Respondent was arrested.

SECOND CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

11. Respondent is subject to disciplinary action under section 2761, subdivision (a), in that he engaged in a dishonest course of conduct. In order to renew his Registered Nursing License without having to report a misdemeanor conviction to the Board, on or about March 6, 2012, in the criminal matter *People v. Tao, supra*, Case No. 1PY06457, Respondent negotiated down the original misdemeanor charge of lewd conduct, count 1, to an infraction charge of trespass (Los Angeles Municipal Code section 41.24(a) [trespass on private property]), count 2. The agreement provided that Respondent would return to the court in approximately 90 days, after Respondent renewed his license, at which time the criminal complaint would be amended to re-add the misdemeanor violation of Penal Code section 647(a) [lewd conduct], count 3, Respondent would plead nolo contendere to count 3, and the court would convict and sentence him on count 3 and dismiss count 2.

THIRD CAUSE FOR DISCIPLINE

(Unprofessional Conduct / Violate Nursing Practice Act)

12. Respondent is subject to disciplinary action under section 2761, subdivision (a) and / or (d), in that Respondent committed acts of unprofessional conduct, and / or acts violating the Nursing Practice Act. Complainant refers to and by this reference incorporates the allegations set forth above in paragraphs 11 and 12, inclusive, as though set forth fully.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board issue a decision:

- 1. Revoking or suspending Registered Nurse License No. 600997, issued to Joseph Alfonso Tao, aka Joseph Alfonso Amado Narazo Torres;
- 2. Ordering Joseph Alfonso Tao to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to section 125.3; and

1	3. Taking such other and further action as deemed necessary and proper.	
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3	DATED: APRIL 8, 2013 State Ben	
4	LOUISE R. BAILEY, M.ED., RN Executive Officer	
5	Board of Registered Nursing Department of Consumer Affairs State of California	
6	State of California Complainant	
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Accusation